THE
MADRAS LAW JOURNAL

II] JULY [1937

# RETIREMENT OF SIR HORACE OWEN COMPTON BEASLEY, *Kt., Chief Justice.*

The Chief Justice, Sir Owen Beasley, has retired. Our good wishes go with him in his retirement. Unlike his predecessor he was not a brilliant lawyer or distinguished student. His administration aimed at introducing system and regularity in the working of the High Court. Sudden changes, breakdown of lists, and the calling in of lawyers to argue unexpected cases low down in the list did not happen in his regime. Same Benches were allowed to continue for a whole session.

When he sat on the Original Side in the beginning of his career and even for some time after he became the Chief Justice, he was remarkable for the patience he showed in the hearing of cases. Soon the administrative work of the Chief Justice told on him. The obsession of arrears which overtook, more or less, every Chief Justice in recent years made him impatient of long argument. That he intended to be both kind and friendly to the Bar, as far as he knew how, is shown by the very spacious accommodation he gave to the Advocates' Association and ready ear he lent to representations that more space was required. His manner in Court was widely felt to be curt and rough even when he intended to be not unkindly so much so that even the senior practitioners did not go into his Court with a sense of ease and freedom. It often led him into misunderstanding which a little tact and suavity might have easily avoided. The Bar, more than ordinarily sensitive, made little allowance for one who did not always correctly understand them or, as he himself put it, half in a spirit of confession, for one who had to work in an unfavourable and trying climate.

He refused to pass over cases except very occasionally partly in the belief that he was thereby helping the junior practitioners and partly with the idea that he was thereby approximating the practice of the Court to that of the Highest

English Courts. Sometimes, cases were dismissed and refused to be restored, even when there were justifying circumstances. All this was in disregard of the local conditions to which the English practice should not have been applied with undiscriminating rigour. This did not make for popularity, but only added to the dissatisfaction and irritation of the Bar. In the last few months he tried to retrieve it, but it was too late to placate the Bar which, in this generation, neither believes in, nor cultivates, the art of forgetting, and will not relax even in the case of a retiring Judge who leaves for good. After all is said and done, he was essentially a Judge anxious to do justice. He was not gifted with those arts by which a less just and kindly Judge covered things up by his external manner.

One of his strongest claims to our grateful recognition is his freedom from all communal prejudices. When he found himself confronted by obstructive communalism in the discharge of his duty, he did not hesitate to act strongly. He resigned his place on the Law College Council when he found that the Council's advice was not accepted by the Government, and in all his recommendations, he showed this freedom from narrow prejudices. He maintained a high standard of independence and had the feeling that he did not get due appreciation at the hands of the Bar.

He was genial in private conversation. If he had the art of carrying genial considerateness into the Bench, he could have captured and retained the affections of the Bar. Closer contact between the Bench and the Bar might have helped to remove the causes of misunderstanding. The need for this closer contact was never so obvious as during the time of the Chief Justice now retired. The leaders of the Profession will surely realise the need and take steps to repair what has never been the strong point of Madras. There is another institution in the west that there should be one social meeting of Bench and Bar in the year at which members of the Bar speak out their minds about the Judges. It is much to be wished that the members of the Bar were educated to discharge their minds in that way once a year for the relief from mental tension it would afford, for the enlightenment of the Judges and for the removal of that sense of inferiority and the consequent accumulation of grievances that have such a disastrous effect on the general efficiency of the Bar.